

MINUTES

GREEN SPACE COMMITTEE WEDNESDAY, JANUARY 12, 2022 ONLINE BY ZOOM 6:30 p.m.

Members present: Kathleen Thornton, Clairlynn Rountree, Heather Jackson, Donald Kleiner (until 7pm), Joshua White, (Select Board Representative and Voting Member)

Members Absent: Wendy Reinemann

1. 6pm - Kathleen calls meeting to order.
2. Reading and approval of minutes. Josh makes motion to approve, Heather seconds. Approved 5-0.
3. Discussion and compilation of questions to be asked of guests.
 - What are the up-front costs associated with the option?
 - Perceived pros and cons of the option?
 - Is a survey needed for this option?
 - How easy is it to remove the restriction/easement?
 - What happens if the trust/organization ceases to exist?
 - Have you worked with municipalities before, and, if so, can you give us examples of that work?
 - How do you foresee the forested/wooded area being included in the option?
 - What happens if the former owner is able to regain ownership of the property?
4. Guest speaker presentation: Amanda Wheeler, the Farmland Protection Project Manager of the Maine Farmland Trust. Summary of her presentation and answers to questions:

Maine Farmland Trust (MFT) is a non-profit, statewide organization that has a focus on farmland protection. Ms. Wheeler's branch focuses on agricultural easements. An agricultural easement can be placed on active farmland that is in production currently. The land needs to be primarily open land, yet can also include forested land. MFT tries to avoid easements on wetlands/flood plains. They focus often on agricultural lands that are at high risk of development. They can acquire properties either by purchased easements or donated easements. The Coggins Hill property would likely have to be a donated easement.

Ms. Wheeler is not familiar with many agricultural easements done with municipalities, primarily because municipalities are not typically actively farming. The Town of Union would be asked to donate a conservation easement. MFT would likely

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communicate/consult with Georges River Land Trust and the Midcoast Conservancy to determine what conservation priority seems the best fit for which type of easement - i.e., wildlife, agricultural, public access. If the agricultural aspects of the property appear to be the priority, then MFT would likely be the best fit. If an agricultural easement is put onto the property, MFT will require that the fields are kept open. There is no restriction regarding what type of agriculture happens on the property, just that the fields are kept open. In regard to the forested section of the property, MFT would include that part in the easement, and if any commercial harvesting were to be done, require that a (professionally-created) forestry management plan be in place.

In regard to public access, by default, MFT does not include any restrictions against such. Regarding up front costs of this option: 1) the town would donate the easement to MFL; 2) a one-time Stewardship donation would be required to fund the stewardship of the property forever, including at least annual visits to check that easement restrictions were not violated. The donation is typically around \$10K. A survey is not usually required, yet would be needed if the title research is inconclusive (and with this property, it would likely be needed to determine for sure if there's an actual strip of land that connects to Coggins Hill Road).

If MFT ever dissolves for some unforeseen reason, by conservation easement law, there are contingency plans: MFT would have to hand the easement off to another qualified holder, i.e., another land trust as holder.

Ms. Wheeler states that it is pretty much impossible to discontinue an easement, due to conservation law. There is an amendment process, which is really cumbersome. MFT works to create an initial agricultural easement for a property that is as flexible as possible within the bounds of an agricultural focus.

MFT would probably require 4 overall requirements on an agricultural easement for this property: 1) no subdivision; 2) severe limitation of any type of building/construction that could happen (and that only for agricultural-related purposes); 3) maintenance of open fields - at a minimum, they must be mowed once a year; and 4) a forestry management plan for the wooded area.

Ms. Wheeler encourages anyone with more questions to please reach out to her at: awheeler@mainefarmlandtrust.org

5. Public Comment – none
6. Recap of Kathleen's presentation to the select board: Kathleen reports that the Select Board seems very supportive of what the Green Space Committee is doing. In sum, "we're doing great, stay the course." The SB chair, Adam Fuller, reportedly suggested packaging the survey of this property with other properties that the town owns and may

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need surveys on. Josh mentions that the Town of Union often contracts for survey work with the Landmark company, and Kathleen will ask Jay to check with Landmark regarding possible costs of a survey.

7. Discussion of possible guests to present and answer questions in order to clarify issues surrounding deed restrictions and easements: Discussion of how we still want more information regarding the specifics related to deed restrictions. Kathleen has been in contact with 3 attorneys that specialize in deed restrictions, yet consulting further with any of them will likely cost money. Clairlynn agrees to contact an attorney that the CHPA group had worked with briefly, to see if he might be able to help. Kathleen agrees to check with Jay about consulting with the town's attorney. Discussion of the possible fees associated with holding consultations with attorneys, and how such might be paid for. Agreement that Kathleen will first check with Jay regarding what the town attorney might be able to help with, and at what cost.
8. Updates and news from committee members: Kathleen shares that she had a conversation with someone at the Owls Head town office regarding the easement done for the Richard Carver Harbor Park. Kathleen also shares that she spoke with Bill Botten, who is the ADA's national head of compliance training. She shares that she learned that if Union creates a trails/walking path program, not every trail has to be ADA accessible, yet some would have to be. It is possible that ADA accessible trails could be created on other town properties where such is more feasible/doable, and that the Coggins Hill property could then have a trail which was not ADA compliant. There is reportedly a lot of grant money available currently for creating ADA trails. Kathleen expresses interest in connecting with someone on both the Recreation and the Pullen committees to share this information, and will talk to Jay about doing so.
9. Next meeting scheduled for January 26th at 6:30 p.m.
10. 8:07 p.m.-ish - Josh makes motion to adjourn; Kathleen seconds; Passes 4-0 (Don had left the meeting by this point)

Recording Secretary,

Heather Jackson